1948.

File No. Shops. and Esths. II/48

Legal Dept.

B **BRANCH**

Subject:—

Rules and Notifications under the Bombay Shops and Establishments Act, 1939.

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Legal Department.

The proposal of the Labour Department to exempt all pan-bidi shops from the operation of the Bombay Shops and Establishments Act, 1939 by the issue of a notification under section 4(1) (k) thereof and at the same time to enforce in their case the provisions of the Act other than section 5(1(b) , is not legally feasible . A notification issued under section 4(1)(k) of the Act exempting any class of establishments from the operation of the Act has the effect of placing such class of establishments beyond the pale of the Act wholly and none of he provisions of the Act will continue to be operative in their case. There is also no Provision in the Act which empowers Government to exempt a class of establishments from the provisions of the Act partially. To achie e the object in view, namely to relax the ppovision of section 5(1)(b) so as to enable pan-bidi shops owners to keep their shops open till 11 p.m. it is necessary to amend the said section 5 enabling Government to fix any hour later than 9 p.m. in the case of a particular shop or a class of shops.

Id/-
dt/-31/7/

Additional Secretary to Government.

U.R. to Labour Department Rp. 7253 dated the 2nd August 1948.

V.VK. 18/5/56/
SC.